

REMARKS

Applicant appreciates the Examiner's review of the application. Consideration and allowance of all claims are respectfully requested.

Claim Amendments

Applicant has amended the claims to correct dependencies and antecedent basis. No new matter has been entered by the amendments. Consideration and allowance of all claims are respectfully requested.

Election of Species

The March 19, 2008 Office Action requires Applicant to elect one of two identified species of claims for prosecution in connection with the present application. The species as identified in the Office Action are as follows:

- I. As illustrated in figures 2 and 3.
- II. As illustrated in figures 4, 5 and 6.

For purposes of complying with the species election, Applicant respectfully elects Species I, Claims 1 - 22 and 28 - 30, **with traverse**. Applicant reserves the right to file a divisional application for any non-elected claims during the pendency of this application.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention."

Emphasis Added.

There are two criteria for a proper requirement for restriction. The invention should be 1) independent or distinct, and "2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

The Office Action does not provide any evidence of undue burden. The Office Action states on page 2 that "[t]here is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search ... and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues".

The Office Action does not further elaborate on how the species differ or why searching and examining both species would be an undue burden. Furthermore, the Office Action does not show that the species would be classified in different classes or explain how searching each species would be distinct.

Applicant believes that there would be no undue burden to search and examine the species together. It is unlikely that data connectors not acting as clasps, as found in Species I, would be classified in a separate class/subclass than data connectors acting as clasps, as found in Species II. Additionally, prior art applicable to one species may be applicable to the other species, avoiding duplicative effort by the Examiner.

Furthermore, the clasping data connectors of Species II may be used in conjunction with the non-clasping data connectors of Species I. The inventions as disclosed in Figures 2 and 3 may be used in combination with the inventions as disclosed in Figures 4, 5, and 6. See, for example, paragraph 0015 of the specification describing both non-clasping data transfer and clasping data transfer. Furthermore, paragraph 0023 describes the male clasping data connector 106 and the female clasping data connector 108, as shown in figures 4, 5 and 6, can be combined to form a clasping mechanism 109, as shown in Figures 2 and 3. The species are not mutually exclusive and do not require separate examination.

Therefore, Applicant respectfully requests withdrawal of the species election requirement, as well as consideration and allowance of all claims.

CONCLUSION

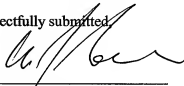
Applicant respectfully requests that this application be examined on the merits at the earliest possible time. Consideration and allowance of all claims are requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below.

Applicant has herewith submitted a petition for a two month extension of time. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-2228, under Order No. 022344.0102PTUS from which the undersigned is authorized to draw, for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: June 19, 2008

Respectfully submitted,


By _____
Matthew J. Laskoski
Registration No.: 55,360
PATTON BOGGS LLP
8484 Westpark Drive, 9th Floor
McLean, Virginia 22102
(703) 744-8055
(703) 744-8001 (fax)
Attorney for Applicant